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<b>To:</b>	<b>Name</b> Examiner Lynda Salvatore	<b>Company</b> USPTO Art Unit 1771	<b>Fax Number</b> 703-872-9306
<b>Subject:</b>	Appln. No. 10/005,743 filed December 3, 2001 (Confirmation No. 9141)		

<b>From:</b>	Nathan Hendon	<b>Page:</b>	1 of 6
<b>Dept:</b>	Patent	<b>Date:</b>	April 8, 2004
<b>Loc</b>	Roswell, GA	<b>Time:</b>	10:30 A.M. (EST)

Transmitted herewith are the following:

- 5 pages in response to Office Action mailed on January 8, 2004 by Examiner Lynda Salvatore.

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**In the United States Patent and Trademark Office**

Applicants:	Brown et al.	Docket	15,804
Serial No.:	10/005,743	TC/A.U.:	1771
Confirmation No:	9141	Examiner:	Lynda Salvatore
Filed:	12/03/01	Date:	April 8, 2004
For:	Helically crimped, shaped, single polymer fibers and articles made therefrom.		

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Examiner Office Action**

Sir:

Pursuant to 37 C.F.R. § 1.111 and in response to the Office Action mailed January 8, 2004, the following remarks are submitted for your consideration.

**REMARKS/ARGUMENTS****In the Claims**

Claims 1 - 15 are presented for the Examiner's consideration.

**Summary of the Invention**

This invention relates to a nonwoven fabric for personal care products made of single polymer fibers that have been helically crimped. One embodiment of the present invention is an absorbent core for a personal care product made of helically crimped absorbent fibers. Another embodiment of the invention is a loop material, for a hook and loop fastener, that is made of single component helically crimped fibers.

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## **Regarding Examiner's Rejections**

### **1. Rejection for anticipation by Bishop et al.**

By way of the Office Action mailed January 8, 2004, Examiner Salvatore rejected claims 1 – 7, 9 - 11 and 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Bishop et al. (U.S. Patent No. 5,486,166). This rejection is respectfully **traversed**.

Bishop does not teach the single component, helically crimped fibers of the present invention. The Examiner has pointed to a single paragraph (column 6, lines 11 – 24) within Bishop where various characteristics the fibers of Bishop may possess and has made an inference that all possible combinations of the characteristics are taught. However, Bishop does not teach single, component, helically crimped fibers in the manner required for anticipation in the sense of 35 U.S.C. § 102(b), nor does it anywhere specifically disclose single component, helically crimped fibers. As the Examiner has stated, there are no examples in Bishop of helically crimped single component fibers. In fact the only mention, within context, of helical crimp occurs earlier in the detailed description of Bishop (paragraph beginning at column 3, line 64). There, Bishop discusses the latent helical crimp of a bicomponent spunbond nonwoven. Bishop further discusses bicomponent fibers throughout its detailed description, including all of the examples.

This bicomponent fiber context is how one skilled in the art at time of the present invention would understand Bishop. When reading the whole paragraph cited by the Examiner (starting at column 6, line 11), one skilled in the art would recognize that "zig zag or saw tooth" crimp (column 6, line 15) is referring to "single fiber polymer" fibers (column 6, line 20) and that "helically or spirally crimped fibers" (column 6, line 16) is referring to "multiple polymer" fibers (column 6, line 20). This would further align with the fact that those skilled in the art would recognize at the time of the present invention, that single component, helically crimped continuous fibers were not readily available.

Because Bishop et al. fails to disclose each and every element of Applicants' claims, Applicants respectfully submit that the rejection of claims 1 – 7, 9 – 11 and 15 under 35 U.S.C. § 102(b) in view of Bishop et al. is improper and should be withdrawn.

### **2. Rejection for anticipation by Stokes et al. '515**

By way of the Office Action mailed January 8, 2004, Examiner Salvatore rejected claims 1 – 4, 11, 13, and 14 - 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Stokes et al. (U.S. Patent No. 5,858,515). This rejection is respectfully **traversed**.

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Stokes '515 discloses a pattern-unbonded nonwoven fabric where discrete unbonded areas are suitable for use as a loop fastening material for hook and loop fastening systems. However, Stokes '515 does not disclose or anticipate the single component, helically crimped fibers of the present invention in the sense of 35 U.S.C. § 102(b). As the Examiner has pointed out, there are no examples given of a single component, helically crimped fiber within Stokes '515. All of the discussion regarding helical crimp in Stokes '515 is in regard to the latent helical crimp of bicomponent fibers (column 8, line 44 to column 9, line 5). There is no disclosure or teaching of the single component, helical crimped fibers in Stokes et al. '515. As read by one skilled in the art at the time of the present invention, Stokes '515 does not anticipate single component, helical crimped fibers as claimed in the present invention.

Because Stokes '515 fails to disclose each and every element of the Applicants' claims, Applicants respectfully submit that the rejection of claims 1 – 4, 11, 13, and 14 - 15 under 35 U.S.C. § 102(b) in view of Stokes '515 is improper and should be withdrawn.

### **3. Rejection for anticipation by Stokes et al. '439**

By way of the Office Action mailed January 8, 2004, Examiner Salvatore rejected claims 1 – 11 under 35 U.S.C. § 102(e) and claim 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Stokes et al. (U.S. Patent No. 6,528,439). This rejection is respectfully **traversed**.

Stokes '439 is directed to crimped and resilient polymer fibers and fabrics and laminates made from such fibers. However, Stokes '439 does not disclose or teach the single component, helically crimped fibers of the present invention. As the Examiner has pointed out, there are no examples given of a single component, helically crimped fiber within Stokes '439. All of the discussion of helical crimp in Stokes '439 is in regard to the natural helical crimp of bicomponent fibers (column 7, lines 45 to column 9, line 59). There is no disclosure or teaching of single component, helical crimped fibers in Stokes '439. As read by one skilled in the art at the time of the present invention, Stokes '439 does not anticipate single component, helical crimped fibers as claimed in the present invention.

Because Stokes '439 fails to disclose each and every element of the Applicants' claims, Applicants respectfully submit that the rejection of claims 1 – 11 under 35 U.S.C. § 102(e) and claim 15 under 35 U.S.C. § 102(b) in view of Stokes '439 is improper and should be withdrawn.

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#### 4. Rejection for obviousness

By way of the Office Action mailed January 8, 2004, Examiner Salvatore rejected claim 12 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over Bishop et al., US 5,486,166, or Stokes et al., US 5,858,515, or Stokes et al., US 6,528,439 in view of U.S. Patent Number 5,607,550 to Akers. This rejection is respectfully **traversed**.

Applicant believes that a *prima facie* case for obviousness has not been made with respect to claim 12. As the Examiner has pointed out, neither Bishop, Stokes '515, nor Stokes '439 disclose fibers composed of a super-absorbent polymer. Akers teaches an absorbent non-woven fabric comprising super-absorbent polymer fibers. There is no suggestion or motivation in Bishop, or Stokes ('515 or '439) to crimp, or use, such a super-absorbent fiber as disclosed in Akers. Likewise, there is no suggestion or motivation in Akers that such a fiber should or even could be helically crimped.

Additionally, as discussed in the rejections of claims 1 -11 and 13 - 14, neither Bishop et al., Stokes '515, nor Stokes '439 teaches or discloses the single component, helically crimped fibers of the present invention. Therefore, a *prima facie* case of obviousness is not made as the combination of references does not suggest each and every element of the present invention.

Thus the Applicants respectfully ask that the obviousness rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

#### 5. Rejection for anticipation by Shelly et al.

By way of the Office Action mailed January 8, 2004, Examiner Salvatore rejected claims 1 - 8, 10, 11 and 13 - 15 under 35 U.S.C. § 102(e) as allegedly being anticipated by Shelley et al. (U.S. 2002/0089079 A1). This rejection is respectfully **traversed**.

Applicants' undersigned attorney represents that Jeffrey David Shelly and Kurtis L. Brown of the present invention are the same inventors of the invention disclosed in U.S. Patent Application Publication 2002/0089079. Therefore, Shelley et al. is not an invention "by another" and thus is not available as a valid reference under 35 U.S.C. § 102(e). Further documentation will be provided upon notification that the application is otherwise in condition of allowance. It is requested that the rejection of claims 1-8, 10, 11 and 13 -15 under 35 U.S.C. § 102(e) be conditionally withdrawn.

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For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (770) 587-8096.

Respectfully submitted,

BROWN ET AL.

By: 

William D. Herrick

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Attorney for Applicant(s)

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I, Nathan Hendon, hereby certify that on April 8, 2004, this document is being sent by facsimile to the United States Patent and Trademark Office, central facsimile number for all patent application related correspondence, at 703-872-9306.

By: 

Nathan Hendon